REMARKS/ARGUMENTS

Claims 1-20 are pending in the instant application. In the Office Action dated April 8, 2004, the Examiner has made final a rejection to all claims under 5 U.S.C. 112, first paragraph, to the terms "filter operation", "filter length" and "determined parameter". The Examiner has also made final a rejection to all claims under 35 U.S.C. 102 over a reference entitled "EGPS Link Quality Control Measurements and Filtering" ETSI SMG2 Working Session on EDGE (Tdoc SMG2 EDGE 444/99), which is hereinafter referred to as Tdoc SMG2 EDGE 444/99.

Each of the independent claims 1, 6-10, 17, and 19-20 are amended herein to remove the terms "filtering operation" and to recite that the filter length is a finite filter length. Support for these changes may be found in the written description at least at page 6, lines 2-11 (wherein a filter length must be finite in order to be adjusted; changing from an infinite filter length to an infinite filter length is not an adjustment); page 10, lines 10-27 (running average filter). As detailed at "ETSI SMG2 Working Session on EDGE #11 Tdoc 2E99-501: "EGPRS LQC Measurements Filtering", Nokia, 18-22 October 1999", a "running average filter" is defined at Section 2 as finite, representing knowledge in the art for that type of filter which is explicitly recited in the specification. A copy of this publication was previously supplied by the applicants in the IDS. This is not to imply that the claims are limited to only a running average filter, but to show support for the claim change and enablement of the amended claim. Claim 20 is further amended to recite "transmitting data from the filter to the wireless network", and is supported at page 8, lines 33-35. None of the above changes are seen to change the scope of the claims as compared to previously used language.

The term "determined parameter" is changed to provide clear antecedent basis where the term is used. Claim recitation of the term "determining a value of a parameter" is not changed. As the rejection is under enablement rather than antecedent basis, the undersigned responds as if the 112 rejection was to the term "determining a value of a parameter". Enablement of that term may be found at least at page 11, lines 2-10 (there is determined a value of a parameter that is indicative of the overall signal quality experienced by the ME, which can be affected by path loss, multipath spread, speed of the ME, signal distortion, and/or interference). The written description recites speed of the ME as the preferred

embodiment, though the above passage reflects that the invention is not limited only to ME speed as recited at page 8, lines 8-10. Claim 1 explicitly states that the parameter is "indicative of a signal quality experienced by the MS". The written description particularly describes at page 7, lines 13-22, how the speed of the ME may be used to set the filter length via the forgetting factor. It is further stated that ME speed may be readily calculated (page 8, lines 4-5) by the ME or preferably by the network (page 9, lines 19-30). The above passages should make clear that the term "determining a value of a parameter" is enabled at least for ME speed as measured by the network, the disclosed preferred embodiment. Because other parameters are also enabled, the Applicant does not believe it is warranted to limit the broader claims only to ME speed.

Respecting the anticipation rejection over Tdoc SMG2 EDGE 444/99, the Applicant has amended the claims to recite, using claim 1 as an example, "calculating in the ME an indication of link quality experienced by the ME". This is to more particularly distinguish the present invention, which allows for mobile station-based filtering (averaging) of measurements, over the reference, which as previously argued is a cell-based approach.

Specifically, at page 11, Section 5 of that reference, it is recited that the parameter for an exponential filter is broadcast in the cell. Broadcast refers to transmissions to multiple receivers, implying that the parameter (e.g., averaging period/forgetting factor) broadcast in the cell is used by each mobile station in the cell and not particularized to individual mobile stations or the link quality they individually experience.

Further, page 9, Section 3 recites that if a BEP of a prevailing modulation is estimated, then another (non-prevailing) modulation is not known. This appears consistent with a cell-based approach, where some mobile stations may be operating with a prevailing modulation and others with a non-prevailing modulation. The individual mobile stations necessarily know which modulation they are employing, so it does not appear the reference is consistent with a mobile station based approach where a value used to adjust the filter length is specific to the channel experienced by the individual mobile station.

Additionally, pages 9-10, Section 3 refer to three parameters needed to perform BER mapping. BER is a well-known measure of signal quality. The reference notes that the

mobile stations do not have knowledge of an average power decrease of the 8 PSK modulation. This is true in the case where the BER represents a cell-wide BER. In the case where the BER represents the signal quality experienced by a single mobile station, it appears the mobile station would have knowledge of power decrease and can average it over time. Thus, Section 3 of the reference relates to a cell-based filter parameter that is broadcast for use by each mobile station. Any mobile station using such an averaged parameter would not be calculating an indication of link quality experienced by the ME, but rather a link quality experienced by the average of all reporting MEs in the cell.

For at least the above reasons, the Applicant believes the claims are patentable and the rejections are overcome. Applicant respectfully requests the Examiner to pass all claims to allowance, and invites the Examiner to discuss any remaining concerns, if there be any, with the undersigned representative via telephone at his discretion.

Respectfully submitted:

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Date

Gerald J. Stanton
Reg. No.: 46,008

Customer No.: 29683
HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Phone: (203) 925-9400
Facsimile: (203) 944-0245
Email: gstanton@hspatent.com

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Date

Ann Okrentowich